

Illinois Association of Wastewater Agencies

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September 7, 2000

Mississippi River/Gulf of Mexico Action Plan (4503 F)
C/o U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear U.S. Environmental Protection Agency:

Pursuant to the Request for Comments on the Draft Plan of Action for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico, produced by the Committee on Environment and Natural Resources (CENR) of the Executive Office of the President for the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, please accept these comments on behalf of the Illinois Association of Wastewater Agencies (IAWA).

Upon review of the Upper Mississippi River Basin Association Comments dated August 13, 1999 and the comments provided by George H. Ryan, Governor of Illinois dated July 27, 1999 to the "Topical Scientific Reports for an Integrated Assessment of the Causes and Consequences of Hypoxia in the Gulf of Mexico," it would appear that these comments were not taken into consideration when creating the current Draft Plan of Action. IAWA believes that it is very important to consider these comments prior to the formulation of any federal policy or guideline.

In light of the many uncertainties surrounding Gulf hypoxia including a lack of clear cause-effect relationships, lack of information on controlling natural variability in hydrometeorological conditions in the Gulf, and lack of recognition of the proven decreases in nitrogen in the Illinois River as

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stated by Dr. Derek Winstanley, Chief of the Illinois State water Survey in his testimony on the Committee on Agriculture on June 28, 2000, it appears that it is premature at this time to create a plan to address an undefined problem. It must be pointed out that this Draft Plan is too broad in nature, does not identify the direct linkage between the problem (hypoxia) and specific casual factors, and does not offer a logical and efficient cause of corrective action. In other words, the suggested corrective action is not only based upon unsound science, but this proposed action does not provide a solution for the environmental problem.

Additionally, the current Draft Plan of Action does not address the following:

- It appears that although 90% of the nutrient load in the Gulf is admittedly attributable to nonpoint sources and only 10% is attributable to point sources, each would be penalized equally. This could be considered unjustified considering wastewater treatment plants are already heavily regulated under the National Pollution Discharge Elimination (NPDES) Program and is expecting the same under the Total Maximum Daily Loading (TMDL) Program. This suggested alternative would not achieve the stated goals of the program.
- The lag time between reductions in nitrogen inputs in the basin and reductions in nitrate loading to the Gulf is "slow, possibly requiring decades to demonstrate . . ." having stated this, we believe that it is premature to set any goals at this time.
- The Draft Plan of Action promotes the idea of great economic benefit to a "number" of States and Tribes within the Mississippi and Atchafalaya River Basin, and lists programmatic indicators by which to measure this gain. It

is our belief that none of these indicators can measure the economic, social or physical implications that will be placed upon municipalities, states and others once this premature, under researched plan has been put into action.

- The IAWA takes major exception with a program that would require Publicly Owned Treatment Works (POTWs) to first expand the nitrification process without knowing that the desired end result relative to hypoxia will be achieved. In addition, it could directly affect (regulate) other parameters like effluent suspended solids, biochemical oxygen demand (BOD), etc. This backdoor approach to parallel regulations is not acceptable.
- This proposed program should be considered an overlap of the Total Maximum Daily Loading (TMDL) program. In this vein, the hypoxia Draft Plan is redundant and not needed. The IAWA recommends that this plan be deferred at this time, at least until the scientific casual factors can be adequately determined; only then should a corrective Action Plan be considered for implementation.

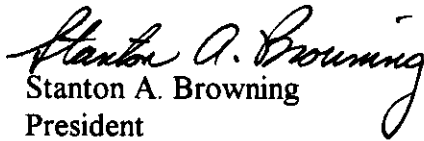
It currently appears that there are many unknowns regarding the hypoxia situation in the Gulf of Mexico. Although there is no doubt that the Gulf of Mexico has been impacted from low dissolved oxygen, we feel it is premature at this time to implement any Plan of Action without understanding fully the cause of the hypoxia situation and evaluating precisely the consequence of implementing such a plan.

The Illinois Association of Wastewater Agencies strongly objects to such plan, until such time it is proven that reducing, mitigating and controlling nitrogen in the tributary rivers to the Gulf of Mexico will have a positive effect on the environment and that the final action plan is the most cost effective alternative available.

We appreciate the opportunity to comment. Please feel free to contact me if you have any questions regarding our comments.

Sincerely,

Illinois Association of Wastewater Agencies


Stanton A. Browning
President

Cc: Illinois Environmental Protection Agency, Bureau of Water
IAWA Executive Director, William Cellini